

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA
Plaintiff,

v.

Case No. 11-CR-186

MICHAEL TOLBERT
Defendant.

ORDER

On May 1, 2013, I sentenced defendant Michael Tolbert to 46 months in prison on his guilty plea to felon in possession of ammunition. His lawyer filed a notice of appeal on May 7, 2013. On May 8, 2013, defendant filed a pro se motion to withdraw his plea. "After the court imposes sentence, the defendant may not withdraw a plea of guilty or nolo contendere, and the plea may be set aside only on direct appeal or collateral attack." Fed. R. Crim. P. 11(e). Further, the filing of a notice of appeal is an event of jurisdictional significance in that it confers jurisdiction on the court of appeals and divests the district court of its control of the case. United States v. Ali, 619 F.3d 713, 722 (7th Cir. 2010); see also United States v. Robinson, 8 F.3d 398, 406 (7th Cir. 1993) ("[A] district court should not entertain a § 2255 motion while a direct appeal is pending, absent extraordinary circumstances.").

THEREFORE, IT IS ORDERED that the motion (R. 93) is **DISMISSED**.

Dated at Milwaukee, Wisconsin, this 10th day of May, 2013.

/s Lynn Adelman

LYNN ADELMAN
District Judge